

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION FOR THE
EASTSHORE ENERGY CENTER IN HAYWARD
BY TIERRA ENERGY**

DOCKET NO. 06-AFC-6
(AFC ACCEPTED 11/8/06)

COMMITTEE SCHEDULING ORDER

On November 8, 2006, the Energy Commission accepted the Application for Certification (AFC) of the Eastshore Energy Center under the twelve-month review process established by Public Resources Code section 25540.6. The Energy Commission assigned a Committee of two Commissioners to conduct proceedings on the AFC. The Committee held a public informational hearing in the City of Hayward on January 29, 2007, to discuss the review process and to identify issues that could affect the schedule.

We have adopted the attached Committee Schedule based on discussion at the informational hearing. The schedule contains a list of events that must occur in order to complete the certification process within twelve months. This is an initial schedule, which only includes the period up to the Prehearing Conference. The balance of the schedule will be determined at the Prehearing Conference.

Several deadlines are contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant, Tierra Energy, must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Technical issues regarding air quality and public health are pending. The parties indicated that resolution of these issues would be addressed during the data exchange process and in public meetings with the Bay Area Air Quality

Management District. The City of Hayward also indicated concern about potential zoning issues. In addition, Staff will review whether the Project's use of potable water for process purposes is consistent with the Energy Commission's policy on cooling water as established in the 2003 Integrated Energy Policy Report (IEPR). We have further directed Staff to review potential impacts along the portion of the proposed transmission line route where there are currently no existing transmission lines.

Given the complexities involved in resolving some of these issues, the parties are on notice that we may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709(c)].

The schedule requires periodic status reports to determine whether case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention. The burden is on the Applicant to produce the necessary data according to schedule. If there are delays, we will adopt a performance approach resulting in a commensurate slip of the schedule.

Dated: February 2, 2007, at Sacramento, California.

JEFFREY BYRON
Commissioner and Presiding Member
Eastshore AFC Committee

JOHN GEESMAN
Commissioner and Associate Member
Eastshore AFC Committee

Mailed to Proof of Service List

COMMITTEE SCHEDULE
FOR THE
EASTSHORE ENERGY CENTER¹

DATE	EVENT
22-Sep-06	Applicant files Application for Certification (AFC)
8-Nov-06	Data adequacy begins formal review process
15-Dec-06	Staff files data requests (Round1)
29-Dec-06	Staff files Issue Identification Report
15-Jan-07	Applicant provides data responses (Round 1)
29-Jan-07	Data response & issue resolution workshop
29-Jan-07	Informational hearing & site visit
2-Feb-07	Staff files data requests, (Round 2)
20-Feb-07	Status Reports (#1) due to Committee
2-Mar-07	Applicant provides data responses (Round 2)
Early-Mar-07	Data response & issue resolution workshop (Round 2, if necessary)
19-Mar-07	Status Reports (#2) due to Committee
Late-Mar-07	Local, state, & federal agency draft determinations due (including Preliminary Determination of Compliance from BAAQMD))
16-Apr-07	Status Reports (#3) due to Committee
Late-Apr-07	Preliminary Staff Assessment filed
Mid-May-07	Preliminary Staff Assessment workshop(s)
30-May-07	Local, state, & federal agency final determinations due (including Final Determination of Compliance from BAAQMD)
18-Jun-07	Status Reports (#4) due to Committee
Early-Jul-07	Final Staff Assessment filed
Pending ²	Prehearing Conference
Pending ²	Evidentiary hearings
Pending ²	Presiding Member's Proposed Decision (PMPD)
Pending ²	Committee Conference on PMPD
Pending ²	Energy Commission Hearing--Final Decision

¹ Where it would be speculative to establish specific dates, deadlines are targeted within 10-day increments: early in the month (days 1-10), middle (days 11-20), and late (days 21-31).

² To be scheduled by the Committee.